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NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiffs,
WARNER BROS. RECORDS INC.;
INTERSCOPE RECORDS; MAVERICK
RECORDING COMPANY; UMG
RECORDINGS, INC.; BMG MUSIC; and
VIRGIN RECORDS AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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WARNER BROS. RECORDS INC., a Delaware
corporation; INTERSCOPE RECORDS, a
California general partnership; MAVERICK
RECORDING COMPANY, a California joint
venture; UMG RECORDINGS, INC., a
Delaware corporation; BMG MUSIC, a New
York general partnership; and VIRGIN
RECORDS AMERICA, INC., a California
corporation,

Plaintiffs,

v.

JOHN DOE #2,

Defendant.

CASE NO. _____

**EX PARTE APPLICATION FOR LEAVE
TO TAKE IMMEDIATE DISCOVERY**

Ex Parte Application for Leave to Take Immediate Discovery

Case No.

#32424 v1

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum
3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound
6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a
7 third party Internet Service Provider ("ISP") to determine the true identity of Defendant John Doe
8 # 2 ("Defendant"), who is being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant, without authorization, used an online media
10 distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted works to
11 the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified
12 Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date and time
13 of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that
15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail
16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot
17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated
18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a
20 Rule 26(f) conference where there are no known defendants with whom to confer.

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1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the
2 foregoing requested discovery immediately.

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4 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

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6 By: 

MATTHEW FRANKLIN JAKSA

Attorney for Plaintiffs

7 WARNER BROS. RECORDS INC.;
8 INTERSCOPE RECORDS; MAVERICK
9 RECORDING COMPANY; UMG
10 RECORDINGS, INC.; BMG MUSIC; and
11 VIRGIN RECORDS AMERICA, INC.
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